

**LABOR COMPLIANCE PROGRAM ANNUAL REPORT**

*Format for Approved Program that contracts with Awarding Bodies to provide labor compliance enforcement*

Report for the reporting period 03/01/2010 to 06/30/2010  
(mm/dd/yyyy) (mm/dd/yyyy)

1. Name of Labor Compliance Program (LCP) :

Davillier-Sloan Inc. (DSI)

2. LCP I.D. Number (assigned by DIR):

2003.00096

3. Date of Initial Approval:

3/28/2003

4. Contact person (include name, title, address, telephone, fax, and e-mail, if available):

Jake Sloan - President  
1630-12th Street  
Oakland, CA 94607  
Phone: 510 835 7603  
Fax: 510 835 7613  
E-Mail: jake@davillier-sloan.com

5. List all Awarding Bodies covered by this report as well as any other Awarding Bodies with whom the LCP currently has a contract to provide compliance enforcement. If *none*, please proceed directly to item 7 and provide all requested information. Then complete the information below, and sign and submit this form to DIR, Office of the Director, Attn: LCP Special Assistant 455 Golden Gate Avenue, 10<sup>th</sup> Floor, San Francisco, CA 94102.

- The County of Alameda
- Peralta Community College District
- West Contra Costa Unified School District

What suggestions do you have for the Department of Industrial Relations to better assist you with your program in the coming year? (attach additional sheets if necessary):

**SUBMITTED BY:**

Emilija Besic  
Signature

Emilija Besic, Program Manager  
Name and Title

October 27, 2010  
Date

**LCP-AR3**

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: \_\_\_\_\_ County of Alameda

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Highland Hospital Acute Tower Replacement	September 30, 2008 (RFP)	Clark Design/Build of California	\$430,800,000.00
Total			\$430,800,000.00

B. Summary of all wages and penalties assessed and/or recovered. N/A

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total					

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C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below. **N/A**

Project Name	Amount Assessed	Amount Recovered	Explanation
Total			

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following: **N/A**

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings. **N/A**

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

**N/A**

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6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Peralta Community College District

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Building "A" Renovations College of Alameda	1/15/2008	NBC General Contracting	\$9,000,000.00
Building Out: Phase II (3 <sup>rd</sup> & 4 <sup>th</sup> Fl) at Berkeley	7/09/2009	AJF/BHMA Joint Venture	\$1,607,200.00
DSPS Offices Refurbishment at Laney College	4/1/2009	Eden Custom Builders, Inc. dba: Eden CDM	\$306,300.00
District Administrative Center Electrical Upgrades	11/7/2009	J.U.V. Inc.	\$223,000.00
Fabrication and Installation of District Wide Interior and Exterior Signage and Wayfinding Signage	10/14/2008	Garnett Sign Studio	\$1,339,610.00
Financial Aid and Cashiers Refurbishment at Laney College	4/1/2009	Eden Custom Builders, Inc. dba: Eden CDM	\$250,441.00
GSA Site Improvements and Modular Replacement	6/28/2009	J.U.V. Inc.	\$999,700.00
Infrastructure Upgrades of 4 New Portables, Laney College	10/10/2009	Dan Electric	\$355,000.00
Short Term Construction Project at Berkeley College	6/24/2009	AJF/BHMA Joint Venture	\$703,318.00
Welding Lab Refurbishment at Laney	4/1/2009	Mark Lee & Yong Kay	\$542,000.00
Total			\$ 15,326,569.00

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Welding Lab Refurbishment at Laney	Kevin Sullivan Heating & Air	\$2,458.74	\$2,458.74	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of Sheet Metal Workers

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Building Out: Phase II (3 <sup>rd</sup> & 4 <sup>th</sup> Fl) at Berkeley	AKA Electric	\$1,092.64	\$1092.64	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Failure to Pay Holiday Rate to Electricians
Total		\$3,551.38	\$3,551.38		

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Welding Lab Refurbishment at Laney	\$2,458.74	\$2,458.74	Good Faith Mistake – Contractor promptly and voluntarily corrected the error once it was brought to their attention.
Building Out: Phase II (3 <sup>rd</sup> & 4 <sup>th</sup> Fl) at Berkeley	\$1,092.64	\$1092.64	Good Faith Mistake – Contractor promptly and voluntarily corrected the error once it was brought to their attention.
Total	\$3,551.38	\$3,551.38	

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

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6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and ***please complete separate forms for each Awarding Body covered in this report.***)

Awarding Body: West Contra Costa Unified School District

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Chavez ES Painting and Glazing	06/02/2010	Fairway Painting Inc	\$ 95,000
Coronado ES Multi Purpose Building Demo	04/11/2010	Evans Brothers	\$ 144,420
De Anza HS Baseball Field Improvement	06/28/2009	Bay Cities Paving and Grading	\$ 1,350,000
De Anza HS Replacement Campus	02/21/2010	Wright Contracting Inc.	\$ 62,508,000
Dover ES New Construction	03/08/2009	Alten Construction	\$ 24,500,000
El Cerrito HS Portable Building Removal	01/11/2010	Michael Paul Company Inc	\$ 278,000
Ford ES New Building	07/12/2009	Alten Construction	\$ 16,734,206
Gompers HS Building Demo and Site Work	05/02/2010	Evans Brothers	\$ 1,693,000
Grant ES General Building Improvement	05/02/2010	J M A Construction	\$ 498,800
Helms MS New Construction	01/12/2007	West Bay Builders	\$ 50,890,000
Helms MS Building Demo and Site Work	05/23/2010	Evans Brothers	\$ 2,442,000
Helms MS Street Improvement Road 20	05/23/2010	Alaniz Construction	\$ 45,200
Hercules HS-MS Playfield Lighting	04/18/2010	Bleyco Inc.	\$ 646,000
Hercules HS-MS Quad Landscape and Teachers Parking Lot	11/23/2009	Mc Nabb Construction Inc.	\$ 247,450
Juan Crespi MS Building 400 Fire Reconstruction	06/28/2009	Bollo Construction	\$ 3,080,850
Juan Crespi MS Exterior Gymnasium Wall	03/07/2010	Alpha Restoration and Waterproofing	\$ 174,000
Juan Crespi MS General Building Repair	06/27/2010	Albay Construction Co	\$ 700,000
Juan Crespi MS Window and Door Replacement	01/11/2010	Pinguelo Construction	\$ 44,908
Kennedy HS Campus Fire Alarm Replacement	06/07/2009	Dick Emard Electric Inc.	\$ 675,000
Kennedy HS Restroom Improvement	08/02/2009	JDS Builders Group Inc.	\$ 1,570,000
Kennedy HS Security Fencing	05/02/2010	Crusader Fence Company	\$ 461,068

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M. L. King ES New Construction and Demo	12/21/2008	West Bay Builders	\$ 15,595,000
Nystrom ES multipurpose Room Construction	05/02/2010	John Plane Construction	\$ 5,240,107
Pinole MS Modernization Phase 2	07/26/2009	Alpha Bay Builders Inc.	\$ 9,570,735
Portola MS Portable Building Installation	05/02/2010	B Bros Construction	\$ 1,357,000
Portola MS Temp Campus Underground Utility	04/11/2010	Evans Brothers	\$ 389,000
Portola MS Temp Campus Building Cleanup and Floor Waxing	07/15/2010	Hi-Lite Enterprises	\$ 34,000
Richmond College Prep Portable Building Utility Installation	06/10/2010	Buildier-Max Inc	\$ 94,000
Richmond HS HVAC Renovation	03/28/2010	West Coast Contractors	\$ 4,786,000
Richmond HS New Bleachers and Field House Facility	03/09/2008	West Bay Builders	\$ 5,556,000
Richmond HS Security Camera	10/12/2009	Walsh Electrics Systems	\$ 338,988
Richmond HS Security Fencing and Gates	12/13/2009	C F Contracting	\$ 750,000
Stege ES General Building Improvement	05/02/2010	ERA Construction	\$ 324,813
Various School Sites Play Yard Improvement	06/14/2009	Gold Spring International	\$ 9,357,580
Verde ES Playground and Site Work	04/05/2009	Bay Cities Paving and Grading	\$ 726,000
Total			\$222,897,125

**B. Summary of all wages and penalties assessed and/or recovered.**

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Portola MS Temp Campus Bldg. Cleanup and Floor Waxing	Hi-Lite Enterprises Inc.	\$867.17	867.17	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of Iron Workers
Total		\$867.17	\$867.17		

**C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.**

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Project Name	Amount Assessed	Amount Recovered	Explanation
Portola MS Temp Campus Bldg. Cleanup and Floor Waxing	\$867.17	\$867.17	Good faith mistake – The contractor promptly and voluntarily corrected the issue once it was brought to their attention.
Total	\$867.17	\$867.17	

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
Total										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one: ☐ Yes ☒ No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_



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7. On a separate sheet, provide a certificate of compliance with conflict of interest disclosure requirements by employees and consultants who participate in making governmental decisions (as defined under 2 CCR § 18701) along with the names of LCP personnel who are filing disclosure statements and the agencies with which those statements are being filed.

See attached.

8. Please update the following information per 8 CCR § 16426(a)(2), (3) and (5) disclosure requirement.

A. Identify the geographical areas in which the program intends to operate and the identity of any public agencies not previously identified in this report with which the program intends to contract to provide labor compliance enforcement.

DSI intends to operate throughout the state of California. There is the possibility that DSI will contract with the Oakland Unified School District (OUSD) and the Bay Area Rapid Transit District (BART).

B. State whether the entity shares personnel, management, ownership or other close affiliation with any of the following: (1) any contractor or subcontractor that within the preceding five years has been awarded a public works contract within the geographical area in which the program operates or intends to operate or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety on such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts.

For each affiliation, please provide the name, address, telephone number, and principal contact person for the person or entity; please identify shared personnel, management, and ownership; and if applicable, please provide a short description of the nature and extent of any other close affiliation:

Jake Sloan, the owner of DSI, serves as co chair of the Maritime and Aviation Project Labor Agreement Trust Fund for the Port of Oakland.

Contact Person: Bessie Papailias

330 Water Street

Oakland, CA

510 627 1100

[bpapailias@portoakland.com](mailto:bpapailias@portoakland.com)

### **LCP-AR3**

C. Identify the attorney or law firm available to provide legal support for the LCP, and whether the persons or firms providing that support also represent any contractor, subcontractor, surety, or worker representative referred to in the preceding item.

Attorney/Law Firm Name (include address, contact person, and telephone number)

**Bradford W. Coupe, Esquire, Legal Counsel**

1 Portland Sq #1

Portland, Maine 04102

(207) 253-4468

[bcoupe@verrilldana.com](mailto:bcoupe@verrilldana.com)

Mr. Coupe is Counsel in the Labor and Employment Law Group of Verrill Dana, LLP. He represents employers and third party consultants in all facets of labor and employment law including collective bargaining, administrative proceedings before federal and state agencies, arbitration and federal and state court litigation. The construction industry occupies a significant portion of Mr. Coupe's work. He has prepared project evaluations for use of project labor agreements on public works projects and has defended public agencies against challenges to project labor agreements and labor compliance issues. Mr. Coupe holds a master's degree in labor law from New York University Law School and earned his law degree at the Marshall-Wythe School of Law at the College of William & Mary. Additionally, he earned a Bachelor of Science in mechanical engineering from the University of Rhode Island.

**Claude Dawson Ames, Esquire, Legal Counsel**

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Oakland, CA 94611

(510)652-1227

[claudames@aol.com](mailto:claudames@aol.com)

Mr. Ames has over 15 years experience in Mediation/Arbitration Training and has facilitated and served on a variety of Arbitration/Mediation panels. Mr. Ames holds a Juris Doctor degree from the University of California, Hastings College of Law, in San Francisco and a Bachelor of Science degree from the University of California at Berkeley.